

DACS

PATENT
ATTORNEY DOCKET NO. IMAGING 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:

Simon MELIKIAN et al.

Application Number: 09/680,052

Filed: October 5, 2000

For: System and Method for Pattern
Identification

Group Art Unit: 2644

Examiner: To be assigned

RECEIVED

FEB 08 2001

OFFICE OF PETITIONS

PETITION TO CHANGE ORDER OF INVENTORS UNDER 37 C.F.R. § 1.182

Assistant Commissioner of Patents
OFFICE OF PETITIONS
Washington, D.C. 20231

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.182 to permit a change of the order of inventors in the above-captioned patent application.

At the filing of the present application, Applicants intended to list Simon MELIKIAN as the first named inventor, because Mr. Melikian is considered the primary inventor. Applicants intended to list Daren TYMINSKI as the second named inventor. Applicants indicated this preference in their transmittal letter, which identified the inventor(s) as "Simon MELIKIAN et al."¹

Applicants submitted an unexecuted Declaration and Power of Attorney with the patent application. The declaration erroneously listed Daren TYMINSKI as the first named inventor, and listed Simon MELIKIAN as the second named inventor.² This error was not noticed when the above-captioned application was filed.

02/08/2001 SLUANG1 00000038 09680052

01 FC:122

130.00 OP

¹ A copy of the transmittal letter is attached as Exhibit A.

² A copy of the unexecuted declaration is attached as Exhibit B.

Adjustment date: 07/06/2001 LGIBBS 0010270284
02/08/2001 SLUANG1 00000038 09680052 -130.00 OP
01 FC:122
Ref.: 07/06/2001 LGIBBS 0010270284
Name/Number: 09680052 \$130.00 CR
Date: 02/08/2001 Name/Number: 09680052 \$130.00 CR
FC: 704

Applicants recently received the Notice to File Missing Parts, which identified the first named applicant as "Daren Tyminski."³ Upon noticing the error in the order of inventors, Applicants executed a Declaration and Power of Attorney that listed the inventors in the desired order; that is, Simon MELIKIAN as the first named inventor, and Daren TYMINSKI as the second named inventor.⁴ Therefore, Applicants respectfully request that the order of inventors be changed to correspond to the executed Declaration and Power of Attorney.

Respectfully submitted,

Brobeck, Phleger & Harrison LLP

By:



Robert A. King
Registration No. 42,738

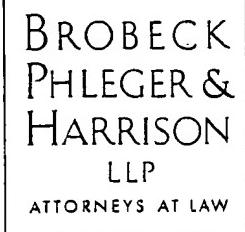
Dated: February 7, 2001

Brobeck, Phleger & Harrison LLP
1333 H Street, N.W.
Washington, D.C. 20005
Tel: (202) 220-6000
Fax: (202) 220-5200
FBC/RAK

³ A copy of the Notice to File Missing Parts - Filing Date Granted is attached as Exhibit C.

⁴ A copy of the executed Declaration and Power of Attorney is attached as Exhibit D.

TELEPHONE: (202) 220-6000
FACSIMILE: (202) 220-5200



701 PENNSYLVANIA AVE., N.W.
MARKET SQUARE EAST, SUITE 220
WASHINGTON
D.C. 20004

October 5, 2000

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket Number: **Imaging 1**

First Named Inventor: **Simon MELIKIAN et al.**

Title: **SYSTEM AND METHOD FOR PATTERN IDENTIFICATION**

TO: **BOX PATENT APPLICATION**
Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached are the following for filing with the U.S. Patent and Trademark Office:

1. Fee Transmittal Form (original and duplicate)
2. Specification - Total Pages: 25 (Including Abstract)

CLAIMS AS FILED						
	Claims Filed	Basic Fee Claims	Extra	Rate		Amount
				Large Entity	Small Entity	
Total Claims	29	20	9	\$ 18.00	\$ 9.00	\$ 0.00
Independent Claims	3	3	0	\$ 80.00	\$ 40.00	\$ 0.00
First Presentation of Multiple Dependent Claims				\$ 270.00	\$ 135.00	\$ 0.00
BASIC FEE				\$ 710.00	\$ 355.00	\$ 0.00
TOTAL FILING FEE						\$ 0.00

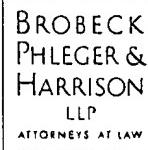
3. Drawings - Total Sheets: 12 (Fig(s). 1-12)
4. Oath or Declaration - Total Pages: 3
 - a. Newly executed (original or copy)
 New (unexecuted)
 - b. Copy from a prior application
(for continuation/divisional with Box 17 completed)



Commissioner for Patents
October 5, 2000
Page 2

- i. DELETION OF INVENTOR(s):
Signed statement attached deleting inventor(s) named in prior application.
5. Incorporation By Reference (useable if Box 4b is marked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. Computer Readable Copy
b. Paper Copy (identical to computer copy)
c. Statement verifying identity of above copies
8. Assignment and Assignment Recordation Form
9. 37 C.F.R. 3.73(b) Statement Power of Attorney
10. English Translation Document (if applicable)
11. Information Disclosure Statement with PTO-1449 and References
 Copies of Information Disclosure Statement Citations
12. Preliminary Amendment
13. Return Receipt Postcard
14. Small Entity Statement(s) Independent Inventor
 Small Business Concern
 Non-Profit Organization
 Statement Filed in Prior Application; Status Still Proper and Desired
15. Foreign Priority is Claimed as Follows:

- If Foreign Priority is Claimed, Certified Copy of the Above Priority Document(s) is Submitted Herewith
16. Other: _____

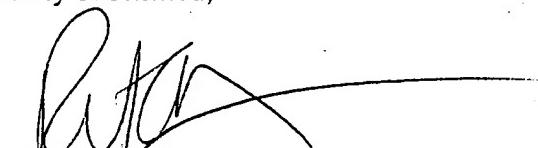


Commissioner for Patents
October 5, 2000
Page 3

17. Continuation Divisional Continuation-in-Part of
Prior Application No.: _____ filed _____
 Complete Application Based on Provisional Application No.: _____
filed _____
18. A new power of attorney or authorization of agent (PTO/SB/81) is as follows:
 The power of attorney is to: Rodger L. Tate, Reg. No. 27,399; Anthony W. Shaw,
Reg. No. 30,104; James Remenick, Reg. No. 36,902; Cono A. Carrano, Reg. No.
39,623; Michael J. Songer; Reg. No. 39,841; Laurence H. Posorske, Reg. No.
34,698; Floyd B. Chapman, Reg. No. 40,555; David J. Kulik, Reg. No. 36,576;
Robert A. King, Reg. No. 42,738 and Trevor Q. Coddington, Reg. No. 46,633.
19. Please address all correspondence to: Robert A. King
Intellectual Property Department
Brobeck, Phleger & Harrison LLP
1333 H Street, N.W.
Suite 800
Washington, DC 20005
20. A check in the amount of \$ _____ is enclosed. In the event any
variance exists between the amount enclosed and the Patent Office charges, please
charge or credit any such variance to **Deposit Account No. 50-1273**.
 The Commissioner is hereby authorized to charge any variance between the
amount enclosed and the Patent Office charges to **Deposit Account No. 50-1273**.

Respectfully submitted,

By:



Robert A. King
Registration No. 42,738

RAK/sdl
Enclosures

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR PATTERN IDENTIFICATION

the specification of which: is attached hereto.
 was filed on: _____
as Application No.: _____
and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
N/A				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
N/A	

Prior United States Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of

America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112; I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
N/A		

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Rodger L. Tate, Registration No. 27,399; Anthony W. Shaw, Registration No. 30,104; James Remenick, Registration No. 36,902; Michael J. Songer, Reg. No. 39,841; Cono A. Carrano, Registration No. 39,623; Laurence H. Posorske, Registration No. 34,698; Floyd B. Chapman, Registration No. 40,555; David J. Kulik, Registration No. 36,576; Robert A. King, Registration No. 42,738; and Trevor Q. Coddington, Registration No. 46,633.

All correspondence and telephone communications should be addressed to: **Intellectual Property Department; Brobeck, Phleger & Harrison LLP; 1333 H Street, N.W.; Suite 800; Washington, DC 20005**, telephone number (202) 220-6000; facsimile number (202) 220-5200, which is also the address, telephone and facsimile numbers of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

Date

Full Name of
First Inventor:

TYMINSKI
(Family Name)

Daren
(First Given Name)

(Second Given Name)

Citizenship:

Poland

Residence:

32 Dorset Street, Boston, MA 02125

Post Office
Address:

32 Dorset Street, Boston, MA 02125

Signature _____ Date _____
Full Name of
Second Inventor: MELIKIAN Simon Haig
(Family Name) (First Given Name) (Second Given Name)
Citizenship: United States of America
Residence: 3105 Northwood Lane, Westlake, OH 44145
Post Office
Address: 3105 Northwood Lane, Westlake, OH 44145



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/680,052	10/05/2000	Daren Tyminski	Imaging 1

Robert A. King
 Intellectual Property Department
 Brobeck Phleger & Harrison LLP
 1333 H Street N. W. Suite 800
 Washington, DC 20005

DOCKETED**FORMALITIES LETTER**

OC000000005565625*

RSP DUE 1-20-2001
 F/C/N AR 5-20-2001

Date Mailed: 11/20/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$162.
 - \$162 for 9 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1002.

*A copy of this notice **MUST** be returned with the reply.*

RECEIVED

Julie P. Miller
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

DEC 05 2000

BROBECK

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR PATTERN IDENTIFICATION

the specification of which: is attached hereto.

was filed on: October 5, 2000

as Application No.: 09/680,052

and was amended on: _____ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

And I hereby authorize and request our attorneys, Brobeck, Phleger & Harrison LLP, whose address is set forth below, to insert above, the filing date and application number of said application when known.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

BROBECK, PHLEGER & HARRISON LLP
Intellectual Property Department
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Suite 800
Washington, D.C. 20005
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statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature Simon Melville Date 01-04-00

Date 01-04-00

Full Name of
First Inventor: MELIKIAN Simon Haig
(Family Name) (First Given Name) (Second Given Name)
Citizenship: United States of America
Residence: 3105 Northwood Lane, Westlake, Ohio 44145
Post Office
Address: 3105 Northwood Lane, Westlake, Ohio 44145

Signature _____ **Date** _____

Date

Full Name of
Second Inventor: TYMINSKI Daren
(Family Name) (First Given Name) (Second Given Name)
Citizenship: Poland
Residence: 32 Dorset Street, Boston, Massachusetts 02125 USA
Post Office
Address: 32 Dorset Street, Boston, Massachusetts 02125 USA

statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

Date

Full Name of

First Inventor:

MELIKIAN
(Family Name)

Simon
(First Given Name)

Haig
(Second Given Name)

Citizenship:

United States of America

Residence:

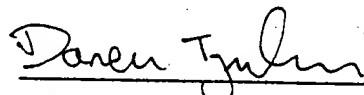
3105 Northwood Lane, Westlake, Ohio 44145

Post Office

Address:

3105 Northwood Lane, Westlake, Ohio 44145

Signature



Date 01/02/2001

Full Name of

Second Inventor: TYMINSKI
(Family Name)

Daren
(First Given Name)

(Second Given Name)

Citizenship:

Poland

Residence:

32 Dorset Street, Boston, Massachusetts 02125 USA

Post Office

Address:

32 Dorset Street, Boston, Massachusetts 02125 USA